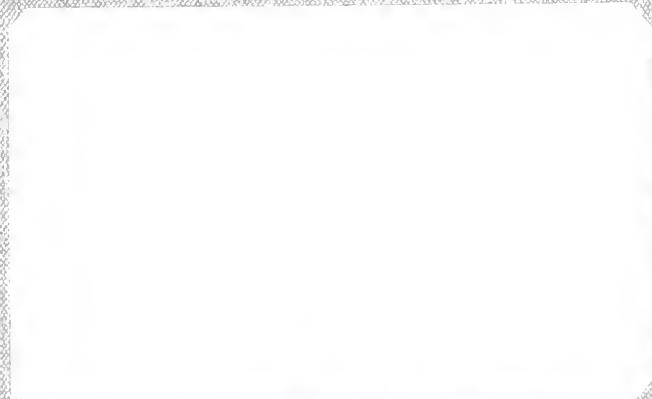


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A LETTER

TO

THE HON. WHITE MARSH B. SEABROOK,

OF ST. JOHN'S, COLLETON;

IN EXPLANATION AND DEFENCE

OF

**"AN ACT TO AMEND THE LAW IN RELATION
TO SLAVES AND FREE PERSONS OF
COLOR."**

BY

EDWARD R. LAURENS,
of St. Philip's and St. Michael's.

CHARLESTON:
PRESERVER OFFICE PRESS.

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To the Hon. Whitemarsh B. Seabrook.

DEAR SIR:—So much has, of late, been said and published in opposition to the “Act to amend the Laws in relation to slaves and free persons of color,” that it seems to me necessary to disabuse the public mind of many misapprehensions which it labors under—besides that, I would not subject myself to the imputation (however unfounded) of shrinking from the responsibility of an open and candid avowal of my agency in introducing the Bill—my motives in so doing, and the objects which I had hoped to obtain by its passage. In addressing you, (to whose care and industry must be awarded the elaboration of this act^{*}) I shall endeavor to discharge this duty briefly as possible, consistently with a full examination of the measure; and with that view, will proceed to consider the law, clause by clause, and in direct reference to the several publications above alluded to. Before doing so, however, it may not be amiss to call your attention to our domestic institution of slavery, for a peculiar policy is rendered necessary thereby. It has, for some time past, been but too common among those far removed from our borders, and wholly destitute of all practical knowledge of our system, to advance many arguments against this organization of society—and although the authority of all history, both sacred and profane, accredits the assertion that servitude has been, from the earliest record, the apportioned lot of a part of the human family; although we need not fear to meet our honest opponents in fair and open argument, (so far as the issue of this argument is

^{*}A Bill very similar to the Law now under consideration, was in 1833 introduced by Mr. Seabrook, of the Senate.

involved;) although we feel the proud boast of Demosthenes to be true of Carolina, "the condition of a slave at Athens, is preferable to that of a free citizen in many other countries," and are prepared by irrefragable testimony to prove it—still the very discussion is baneful in its tendency, and exciting in its nature. What will it benefit us to prove that slavery existed in the days of Noah,* and that he to whom the last of time was revealed, saw Bondment then upon the face of the earth? If, whilst we theoretically uphold the system, we become in practice careless, and indifferent, and invitational of the spoiler. This hitherto has been our fault—we have spoken, written, argued, but we have not acted—we knew that the public press of other climes was arrayed against us, but we folded our arms in misplaced confidence or senseless indifference, and seemed patiently to await the bursting of the storm—but I am myself doing that which I condemn; without further preface, therefore, proceed we to the consideration of the "Act to amend the Laws in relation to slaves and free persons of color."

CHAPTER 5.—An Act to amend the laws in relation to slaves and free persons of color.

SECTION. 1. *Be it enacted by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* If any person shall hereafter teach any slave to read or write, or shall aid or assist in teaching any slave to read or write; such person, if a free white person, upon conviction thereof, shall, for each and every offence against this act, be fined not exceeding one hundred dollars, and imprisoned not more than six months; or if a free person of color, shall be whipped not exceeding fifty lashes, and fined not exceeding fifty dollars, at the discretion of

* 9th Chap. Genesis, 25, 26 and 27 verses. "And he said, cursed be Canaan; a servant of servants shall he be unto his brethren."

"And he said, blessed be the Lord God of shem; and Canaan shall be his servant."

"God shall enlarge Japheth, and he shall dwell in the tents of shem; and Canaan shall be his servant."

† 11th Chap. Rev. 15 verse. "And the King's of the earth, and the great men, and the rich men, and the chief Captains, and the mighty men, and every bondman, and every free man, hid themselves in the dens, and in the rocks of the mountains."

the Court of Magistrates, and free holders before which such free person of color is tried; and if a slave, shall be whipped at the discretion of the Court, not exceeding fifty lashes: the informer to be entitled to one half of the fine, and to be a competent witness; and if any free person of color or slave, shall keep any school or other place of instruction, for teaching any slave or free person of color to read or write, such free person of color or slave, shall be liable to the same fine, imprisonment and corporal punishment, as are by this section, imposed and inflicted on free persons of color and slaves, for teaching slaves to read or write.

SEC. 2. If any person shall employ or keep as a clerk, any slave or free person of color, or shall permit any slave or free person of color to act as a clerk or salesman, in or about any shop, store or house used for trading, such person shall be liable to be indicted therefor, and upon conviction thereof, shall be fined for each and every offence, not exceeding one hundred dollars, and be imprisoned not exceeding six months; the informer to be a competent witness, and to be entitled to one half of the fine.

SEC. 3. If any free white person being a distiller, vendor or retailer of spirituous liquors, shall sell, exchange, give, or in any otherwise deliver any spirituous liquors to any slave, except upon the written and express order of the owner, or person having the care and management of such slave; such person upon conviction, shall be imprisoned not exceeding six months, and be fined not exceeding one hundred dollars; and any free person of color, or slave, shall for each and every such offence, incur the penalties prescribed for free persons of color or slaves, for teaching slaves to read or write.

SEC. 4. No license shall hereafter be granted for retailing spirituous liquors, or keeping tavern, by any board of Commissioners of roads or corporation, having power to grant such license, nor shall any permit be given by any clerk of any such board or corporation, unless the applicant shall have first taken and subscribed the following oath or affirmation on his first application for a license after the passing of this act, which oath shall be taken before a Magistrate duly qualified to administer the same, and be duly certified by him, and be by the applicant filed with the papers of the board or corporation, as the case may be, to wit: I, A. B. do swear or affirm that I will not, directly or indirectly, during the period for which I may receive a license to retail spirituous liquors, or keep tavern, sell, give, exchange, barter, or in any otherwise deliver any spirituous liquors to any slave or slaves, contrary to the true intent and meaning of the laws for the preventing the sel-

ling, giving or delivering of spirituous liquors to slaves—so help me God!” And upon every subsequent application for such license, such person, in addition to the above oath or affirmation, shall, in like manner, take and file the following additional oath: “And I do further swear or affirm, that I have not, directly or indirectly, at any time since the taking out of my last license, sold, given, exchanged, bartered, or in any otherwise, delivered any spirituous liquors to any slave, nor have I directly or indirectly traded, trafficked or dealt with any slave, contrary to the true intent and meaning of the laws to prevent the selling, giving, bartering, or delivering of spirituous liquors to slaves, and the dealing, trading, and trafficking with the same—so help me God.”

SEC. 5. Upon the trial of any person, having the use and occupation of any shop, store, or house of any kind, used for dealing, trading or trafficking, indicted for dealing, trading, or trafficking, with any slave or slaves, without a permit so to deal, trade, or traffic, from under the hand of the owner, or person having the care and management of such slave, it shall be sufficient for the conviction of such person, to prove, upon the charge of buying from such slave, that the slave entered such shop, store or house, used for trading, with the article, or articles charged in the indictment, to have been sold to such defendant, and left the said shop, store, or house, used for trading without the same; and upon the charge for selling to said slave, any article charged in said indictment, it shall be sufficient evidence of such sale, to prove that said slave entered said store, shop, or house, used for trading, without such article, and left the said store, shop or house, with such article.

SEC. 6. If any white person shall game with any free negro, person of color, or slave, or shall bet upon any game played, wherein one of the parties is a free negro, person of color, or slave, or shall be willingly present, aiding and abetting, where any game of chance is played, as aforesaid, such person, upon conviction thereof, by indictment, shall be whipped, not exceeding thirty-nine lashes, and fined and imprisoned at the discretion of the Court trying such person.

SEC. 7. This Act shall take effect from the 1st day of April next.

In the Senate House, the seventeenth day of December, in the year of our Lord, one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House.

The first clause, as introduced* into the House of Representatives on the 28th Nov. 1834, prohibited all colored persons, whether bond or free, from being taught to read or write, and was intended to prevent the acquisition of a knowledge of things and events, tending to render the slave dissatisfied with his lot, and thus inductive of insubordination. Connected as the two classes of our colored population are, by cast—by color—by intermarriages and by blood, there is no argument in favor of the measure as respects the one, which is not equally applicable to the other.† The Senate, however, thought differently, and amended the clause so as inferentially to permit free colored persons to be instructed by whites. The objections to this clause, as urged by one of my colleagues, were, so far as I can recollect them, that we were departing from the policy of our fathers, and interfering with the spiritual well being of the slave, by preventing his being

* Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, I. If any person shall hereafter teach any slave or free person of color to read or write, or aid or assist in the teaching of any slave or free person of color to read or write, or cause or procure any slave or free person of color to be taught to read or write, such person, upon conviction thereof, shall for each and every offence against this act, be fined not exceeding one hundred dollars, and imprisoned not more than 6 months, or if a free person of color, shall be whipped not exceeding fifty lashes, and fined not exceeding fifty dollars, at the discretion of the Court of Magistrates and freeholders, before which such free person of color is tried, and if a slave, shall be whipped at the discretion of the Court, not exceeding fifty lashes, the informer to receive one half of the fine, and to be a competent witness.

† All danger of any insurrectionary movement arises from the toleration of this intermediate class—who, besides that their apparently superior station is a thorn to the slave, must always be the ring-leaders in any concerted scheme—the leader must be a free-man who can command his own time, or not even the first preliminaries can be arranged. It is the fate of conspirators to be at times despondent, and willing to abandon their purpose—doubts oppress, and forebodings of evil come thick upon them—at this moment the master spirit, he who has raised the storm, is ordered by his owner to mount the coach-box, or to accompany him upon a distant expedition, the choice of refusal is not with him, he is wanting to his band at the very moment that his presence is most requisite—their courage fails with the thought that they are betrayed, and the plot is discovered. It is true we have been once indebted to a free colored person for valuable information, but is it not equally true, that but for another of the class, there never would have existed a necessity for the discovery—in other words, there would have been nothing to discover.

taught to read the Bible. Now the policy of our fathers was suited to the times in which they lived, and our policy should nearly as possible conform to the exigencies of our own. In their day, slavery was not only tolerated, but actually carried on under the protection of the flag of Great Britain, at that time mistress of the seas, her interest was in the traffick, and they had nothing to dread from her unfriendly interference. Their brethren of the North and East, had a large capital also engaged in the same trade, and the slave whose eager curiosity induced him then to read any of their numerous publications, would find nothing therein to encourage his hopes of emancipation, or even to whisper that his lot was an hard one; all that he learned, taught him that the world at large were united as to the propriety and expediency of slavery—his hopes of liberation, therefore, from foreign influence, must indeed have been founded in the sands. How stands the case now? There is hardly a* publication which reaches us from other lands, or even from our sister States, which does not contain, in a greater or less degree, inflammatory matter—we daily hear of the organization of new Societies, whose object is to “ameliorate” the condition of those in slavery; and the callous heart which coldly turns from actual misery at home, becomes suddenly warned with the kindest feelings towards those abroad, who suffer under imaginary evils—and shall we then continue the same policy, which under far different circumstances, was pursued by our ancestry? Clearly not:—the old adage “tempora mutantur,” brings an argument to our aid. But another ground, “we are interfering with the essential well being of our slaves, by preventing their being taught to read the Bible,” I am yet to learn that knowledge of itself conduces to good—the moral desolation which marked the Philosopher of Ferney, and the citizen of Geneva, for its own, does not prove the position; nor yet the fact, that Gibbon, Ferguson, Priestley,

* Even those friendly to our institutions, injure us by citing the proceedings, &c. of our opponents, although it be done in kindness to warn us of our danger.

(some have even added Newton and Locke,) learned but to doubt. The idea is beautifully expressed in the lamentation of the good La Róche, when speaking of Hume's infidelity, "There is a pride in human knowledge which often blinds man to the truths of revelation." If I know my own heart, and understand my own motives, so far from obstructing the development of moral and religious feelings in the slave by any measure, I would the rather lend my aid towards its encouragement and promotion; and, as I have* already declared, would gladly appropriate the tithe of my income to the attainment of an object in every point of view so eminently desirable—but honestly, I do not think that this measure is to be furthered by teaching them to read, for where one would draw the pure waters of life from the fountain of inspiration, hundreds would follow after false prophets, to their disquiet here, and perdition hereafter.

The second clause, prohibiting any one from employing a person of color as a clerk or salesman, is, independently of its general intent, a bounty to the poorer classes of our white population, and will inevitably ensure them the occupancy of many situations in our shops and stores, which would, otherwise, have been given to those whom nature, or at any rate custom, has constituted an inferior class. I do not hesitate to state, that my intention in introducing this clause, was to check, if possible, the tide of emigration, and to prevent the free colored from possessing themselves of all under-clerkships, to the exclusion of a sounder and purer population. This has been done already to an alarming extent with the mechanical arts, and as I understand the true policy of our State, the only objection to the clause, is, that it does not extend its protecting and fostering influence as well to the young white artizan, as to the clerk. It has become the cant of late to defend the practice of employing the free colored, instead of the white,

* Address delivered before the Agricultural Society of South-Carolina,
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by saying that our young white men are idle, and will not attend to such duties as are now generally assigned to the colored. This is not so. The true state of the case is, that we first degrade the occupation by employing colored persons, and are then surprised that our young men (whose spirit and high-mindedness we endeavor almost daily to excite,) will not enter the arena with them. Let us remove from them the necessity of competition with their inferiors, and my word for it, an honorable emulation among themselves will immediately take the place of their present apparent apathy.

The 3d and 4th clauses are so intimately connected, that they may with great propriety be considered jointly. The third declares* that no "free white person, being a distiller, vendor, or retailer of spirituous liquors," shall, in any way, deliver spirituous liquor to a slave, except upon the written and express order of his owner, or person having charge of such slave; and the 4th prohibits the grant of any license, except under certain provisions. These two clauses have excited the most opposition, to strengthen which they have been misinterpreted themselves, and in connection with a totally different enactment,† as well as with the fifth clause of that now under consideration—indeed the attack upon this measure has been throughout so discursive, as to render it somewhat difficult to follow the Protean writers in all their positions. Among the most insidious of the many attacks, is that which complains that the rich Grocer may sell his gallons, whilst the poor shall not retail his gill. This is not so.‡ There is not one word in the

* This clause, as introduced, prohibited any one from giving liquor to a slave without his owners order, and was intended to apply as well to the private citizen, as to those in trade. I prefer the clause as it was.

† "An act more effectually to prevent the illicit traffick in Cotton, Rice, Corn, or Wheat, with slaves and free persons of color." It is not proper to confound this law with the "act to amend the laws in relation to slaves and free persons of color." They originated with different individuals, were submitted to different Committees, and many who voted for the one, opposed the other—I do not mean to intimate that I did, I voted for, and advocated both.

‡ Read the Law—examine it attentively—go to the City Attorney or the Attorney General, and ask him if *under this act* you can be indicted for selling "half a pound of sugar," or a skein of thread? Go to these

act which can admit of this construction, nor of any other, injurious to the retailer—the provision that no one shall sell spirits to the *slave*, unless with the order of the slave's owner, applies as well to the rich, as to the poor: and except that those whose profits have been derived from selling liquor to slaves, will be compelled to employ their capital hereafter in a trade less destructive to property, and less hurtful to morals. There is not even a syllable in the law, which can, by any possible ingenuity, be perverted into an attack upon the interest of the Grocer. As to those who owe their livelihood to the slave's fondness for intoxicating liquors, I intended, if possible, to *destroy* their trade. I shall rejoice, and every good man will rejoice with me, when their stores are *forever closed*. The honest Grocers, both wholesale and retail, (I am happy that our city affords many whom it were folly to impeach;) will themselves rejoice, and the trifling profit which might have been made by the sale of spirits to the slave, will be more than doubly, aye, trebly repaid them, by closing the doors of those who have hitherto dealed with our servants only to their injury and hurt. This is not idle speculation, nor do I call upon Grocers to reason in this matter upon abstract principles—I only ask them to believe facts, to trust the evidence of their own experience, of their own eyes. Is it not notorious, that prior to the first day of April, last, every article which a slave bought for his master was obtained from those shops *whence he got rum*, and *whither he carried corn?* Will not the operation of this law prevent this system of traffick? Will not the honest Grocer be benefitted when these men are driven from the market? Will not the trade which was hitherto monopolized by those who connived in the mal-practice of the slave, necessarily revert to such as disdain the practice? Clearly!

functionaries of the law, and ask them if under the provisions of an "act to amend the laws in relation to slaves and free persons of color," ratified 17th Dec. 1834, it is possible to indict you for selling to a slave for ready money, any article or articles whatsoever, except spirituous liquors.

The diminished revenue of the city, consequent upon the operation of this law, has also been urged as an objection to it, and we are told by a writer in the Mercury, that there are near two hundred retailers (License No. 3,) in the city, who pay annually into her Treasury, upwards of eighteen thousand dollars, which sum, in consequence of their refusing to take out Licenses under the provisions of this act, the city authorities will be compelled to raise by resorting to other means of taxation. The author cannot surely mean to assert that all of these two hundred men will refuse to take out their Licenses, *merely* because they will not be *allowed* to deliver *liquor* to *slaves*. If this is his meaning, I am happy to correct the error—many of them have informed themselves of the true intent and meaning of the law—have taken legal advice, and have been convinced that the act is not quite the monster represented—I have myself conversed with one or two who expressed themselves now satisfied with the text, although at first they had been bewildered by its numerous commentaries. But admitting that the revenue will be reduced, (which I do only for the sake of argument,) to my mind, the fact furnishes no reason against the law; I must first be convinced that it is proper and expedient to sell or give *spirituous liquors* to the *slave*, as yet I have not been. Nay, more, I have seen no attempt to justify the practice; if it be fit and proper to allow this commerce, then unquestionably the law is inexpedient, unwise, and impolitic. But if it comports with “the best interests of the community,” to suppress a system of trafficking, by which the slave is induced to barter the necessities of life for its bane, then the reduction of the revenue is an evil of too little importance, to demand more than a passing thought. What would we think of the public morals in a community where an established rule of legislation was “put money in thy purse”—License houses and places of all descriptions, which will pandander to the vices or weaknesses of our fallen nature, *provided* they *pay well* for the right to vitiate and corrupt the people?

And yet to this plain state of things, the objection predicated of a diminished revenue may by one step be brought—for if we are to keep up an evil through fear of a loss to the city revenue, why not create and foster other evils in order to increase it? Are we prepared to do this? I trust not!

But the oath—the trifling with things divine—the prostitution of a solemn obligation—the “temptation to perjury”—“the mockery of all that is sacred or religious”—these are the charges which have been rung upon the Alarum Bell, to warn Grocers that their liberties are in danger, that the Legislature have transcended their delegated trust—are playing the tyrant—are injuring the best interests of society”—“affecting almost every species of business,” &c. and all this how? Only because that they have in mercy to the temporal and eternal welfare of those whom the Providence of God has subjected to them as Bondmen, but of whose treatment at their hands, a day of accountability must and will come—done all that in them lay to guard their slaves from temptation to a vice the most insidious in approach, and the most demoralizing in tendency. I have read with attention, and I trust in a proper spirit the arguments of a Grocer in the Mercury, opposing the oath,* but it appears to me that they will apply with full as much force to any of the oaths now required by law, as to that incorporated with this act. After a well merited eulogy on some of our Grocers who perform all the duties of good citizens, sit upon our Juries, &c. we are asked whether such men should not be believed? Certainly! But would you allow them to sit upon the Jury unsworn? Would their evidence be taken in a Court of justice without the guaranty of an oath first administered. Unquestionably not! Where then is the new and unheard of insult to their feelings in demanding an oath upon this occasion? According to the doctrine laid down by a

* There is nothing in either of the oaths relating to any thing else than the delivery of spirits to a slave. The Grocer is only required to swear to this fact, and not, as has been said, to swear that he will not deal with a slave at all.

Grocer, that the requisition of an oath is “presuming a man capable of the commission of crime”—the Juryman when he is required to take the customary oath is presumed to be criminal, and when the witness is made to swear it proves that in the judgment of the Court the truth is not in him. “Oaths were never intended for honest men”—for whom then? The dishonest only? Who can—who is to discriminate and say to A. I distrust you, “swear unto me,” to B. your word is your Bond. Did Jacob distrust* the solemn promise of Joseph to a dying father, when in his last moments he required him to bind his soul by an oath? Or did Joseph, when he recognised the additional obligation and “swore,” feel himself an insulted and accused man? Did† Abraham, when he demanded of his “eldest servant” a most solemn oath, that he would not take a wife for Isaac from among the daughters of Canaan, exhibit a doubt of Eliezers truth? Or did this faithful servant when he complied, betray a consciousness of his having been wronged by his master’s want of confidence? No! They intended to fulfil their solemn obligations, and they swore fearlessly that they swore in *good faith*. No honest man will object to an oath or affirmation confirmatory of his declaration, when such solemnity is called for by the laws of his country. And tearing from this question the veil in which it has been industriously shrouded, we shall find that opposition to the

* 47th Chap. Gen. 29th, 30th, and 31st verses. “And the time drew nigh that Israel must die; and he called his son Joseph, and said unto him, if now I have found grace in thy sight, put I pray thee, thy hand under my thigh, and deal kindly and truly with me: bury me not, I pray thee, in Egypt.”

“But I will lie with my fathers, and thou shalt carry me out of Egypt, and bury me in their burying place.” And he said “I will do as thou hast said.”

“And he said” “swear unto me,” and he “swore unto him—and Israel bowed himself upon the bed’s head.”

† 24th Chap. Gen. 2d, 3d, 4th, and 9th verses. “And Abraham said unto his eldest servant of his house, that ruled over all that he had, put, I pray thee, thy hand under my thigh:”

“And I will make the swear by the Lord, the God of Heaven, and the God of the earth, that thou shalt not take a wife unto my son of the daughters of the Canaanites, among whom I dwell:”

“But thou shalt go unto my country, and to my kindred, and take a wife unto my son Isaac.”

“And the servant put his hand under the thigh of Abraham, his master, and sware to him concerning that matter.”

oath comes from those who *dare not* take it—who *intend* to violate it—who cannot carry on their *accustomed avocations* without violating it. The honest Grocer who does not intend to violate the law, will not object to the oath—and at the expiration of the year for which his license has been granted, not having violated the law, he will not object to renew his pledge! But he who battens upon corruption will refuse the test—will industriously circulate erroneous opinions and false constructions to bewilder the minds of others, in order that under their misapprehensions he may shield his own contemplated walk of darkness.*

The fifth clause has given rise to much discussion, and by a most unaccountable perversion of its letter, has been interpreted as prohibiting all dealing with the slave. This is not so. There is not one word in it to which legal astuteness can give this meaning. It creates no new offence—in technical language, it does not in the slightest degree add to the “*mala prohibita*”—it makes nothing unlawful *now* which was lawful in *March*—it is simply what it was intended to be, a rule of evidence established by statute, annulling the common law wherever they conflict.

* The Grocer, in the Mercury, (I will not think that he is one who has an interest in corrupting the slave,) has been misled by some designer, who has, doubtless, sinister objects in view—he has been misinformed not only as to the spirit of this law, but even as to the meaning of its words—so long as he guards against the delivery of spirituous liquor to the slave, he has nothing to fear from its operations, and may still continue to carry on his accustomed trade without let or hindrance. I ask him not to give implicit credence to my word, but would refer him to the City Attorney, or the Attorney General—if either of these officers give it as their opinion, that any thing is by this act made penal, except the delivery of spirits to the slave, I will relieve him of their fees. I regret, exceedingly, that a Grocer's ignorance of law should have been taken advantage of, so as to make him the innocent cause of much unnecessary disquiet and uneasiness. I doubt not, that reflection and sound legal advice will cause himself to regret it. In a community like ours, there are, unfortunately, many bad men who desire to create an opposition to every reform, and of such all honest persons should be wary. I take leave of the Grocer with no unkind feeling—I have not cherished any—he is a member of the Temperance Society, (Letter 1.) as such, his objection to this act cannot be that it prohibits the slave from indulging in *what he has sworn to refrain from*, and I assure him the provisions of this law in reference to traders extend no further.

The sixth clause I shall not undertake to defend, for although convicts under its salutary provisions, are worthy of all reprobation; yet I am from circumstances connected with our local policy in every case opposed to inflicting corporal punishment upon white men—this clause originated with the Senate. I have now, my dear sir, according to my intention, examined the law, clause by clause, and so far as public duty is involved, my task may be considered as ended. I cannot, however, but embrace this opportunity of saying a few words more. Among other charges industriously circulated by those who have an object in creating an excitement against this law, it has been stated with the most reckless disregard of truth, that the measure was postponed until the last of the Session, and then hurried through by intrigue and interest. The Journals of both branches of the General Assembly are published with the acts, and are in the hands of the people—upon reference thereto, it will be found that the General Assembly convened upon the 24th Nov. 1834. On the 26th, notice was given in the House of Representatives, that a bill to amend the laws in relation to slaves and free persons of color would be introduced; and on the 28th, the bill was introduced pursuant to notice given: this certainly would not appear to warrant the assertion that the measure was postponed to the eleventh hour—it was one of the earliest measures brought before the Legislature, and was deliberately considered, and debated clause by clause, almost word by word. So much for delay. The fact that the bill was not called for its third reading until 16 December, does not to my mind argue an indecent hurry. In conclusion I freely confess that in my earnest, zealous, and untiring advocacy of this law, it is not impossible but that my constituents have been misrepresented, and the trust reposed in me unwarily exercised. If it be so, none can deprecate the fact more unfeignedly than myself—my excuse is that with singleness of heart, and fixedness of purpose, I have pursued that course, which, in reference to the two-fold relation that the

slave bears to his master, appeared to me the most advisable—looking upon them as property, I esteem the law expedient—regarding them as fellow-creatures, I think it humane. Further, it is my consolation to know that no man can long abuse power, who (under the happy regulation of our State Constitution,) is biennially called upon to give an account of his stewardship.

Allow me, my dear sir, to apologise for trespassing so long on your time and patience, and to assure you that I am, with great respect, your friend and servant,

EDWARD R. LAURENS.

So many and varied have been the misinterpretations of this law, that it may not be amiss to recapitulate briefly the provisions of the act.

The first clause prohibits the teaching of slaves to read or write by any one whomsoever, and the keeping of schools by slaves or free colored persons, for the instruction of free persons of color.

The second clause prohibits the employment of colored persons, whether bond or free, as clerks or salesmen—but has no earthly reference to negro butchers in the market, or to the carriers of bread.

The third clause prohibits the delivery in any way of spirits to a slave, except with an order from his owner, or his owner's agent, and does nothing more. Shop-keepers, as far as this act is concerned, may sell any thing to a slave, except articles of that character, viz: spirituous liquors.

The fourth clause forbids the grant of any License, unless the applicant will swear not to deliver spirituous liquors to slaves, and the oath has no reference to any other dealing, except the dealing in spirits—nor does it require a man (as has been asserted, to swear that he has never *hitherto* given grog to a slave. The first oath requires the licensed dealer to swear that he will not, during the term for which he has received a license, in any manner deliver liquor to a slave; and at the ex-

piration of this term, when he applies for a renewal of his License, he is required to swear that he has not, "since the taking out of his *last License*," in any way delivered spirits to a slave; but it is not intended (and cannot be so interpreted by any man of common sense,) to make the Grocer swear that he has *never* given liquor to a slave or slaves.

The fifth clause is an alteration by statute of the common law rule of evidence, it makes nothing unlawful, which was lawful before its passage.

The sixth clause ordains, that those who gamble with slaves or free persons of color, shall be treated as such, and flogged.

The seventh clause specifies the day on, and from which the law shall take effect.

REPORT

OF THE COMMITTEE ON THE JUDICIARY

Relative to the repeal of laws, reposing restrictions and disabilities on blacks and mulattoes, by Mr. Cushing, Feb. 21, 1835, agreed to unanimously.

LEGISLATURE OF OHIO.

The Committee on the Judiciary, to which was referred sundry memorials and petitions from citizens of Ohio, praying the repeal of all laws imposing disabilities or restrictions on black and mulatto persons, ask leave to report:

The relative standing of the white and colored population in a free community like ours, so far as regards their civil rights and privileges, has been a subject of earnest, and at times, of angry dispute since our State Government was organized. Repeated applications have been made to the Legislature, for the last 20 years, seeking to place blacks and mulattoes on the same footing, as nearly as the provisions of the Constitution will allow. The interest manifested by petitions and memorials, so often presented, emanating from respectable sources, to ameliorate the condition of the colored population of Ohio, demands respectful attention.

The Committee have maturely considered the propositions contained in the memorials referred to them, and have come to the conclusion, that it is inexpedient at this time, to recommend any legislative action on the subject. For this, it is proper they should submit a few reflections, and they ask for them an attentive consideration.

The philanthropy and honest zeal evinced by the memorialists are fully appreciated. The committee believe that none but disinterested motives prompted the presentation of the memorials; but they feel constrained to say that the time has not yet arrived, if it should ever, when wisdom and common prudence would recommend an alteration in the existing laws, regarding blacks and mulattoes, unless to make them stronger. Session after session, reports have been made to both branches of the General Assembly, and agreed to with scarcely a dissenting voice, adverse to the consummation of what is sought by the memorialists. Even were the committee friendly to the measure proposed, they would pause before they would lend it their official sanction; reflecting that public opinion remains unchanged, and will in all probability continue so, while there exists a large slave population in the United States. Aside from public opinion, however, there are various considerations which operate irresistibly, on the minds of the committee, to induce a report unfavorable to the views and wishes of the memorialists.

Ohio, on her southern border, is bounded by two powerful slave holding States. With these States she has ever been on terms of amity, of uninterrupted friendship. Perhaps there are not two States in the Union between which a higher community of feeling exists, (except with regard to slavery,) than between Ohio and Kentucky. Their rise and progress, their present prosperity, and the distinguished stand they have taken among their sister States, have their origin in the same causes. Their territories were won by the strong hand from the barbarous tribes which once overspread them. Shoulder to shoulder, their sons, in the last war, defended from foreign in-

vasion, the frontier of the North West. In all the great measures of the General Government, touching commerce, agriculture, manufactures, and the internal improvement of the country, these States have stood side by side. Their interests and their feelings have become intertwined. The beautiful river which marks their separating boundary, is their common highway to the markets of the South, and is their common source of a profitable commerce; their products are much the same, their plans and efforts to effect a permanent system of improvement, to still further advance their power and standing among their sister sovereignties, are of a similar character.

Virginia, like Kentucky, is entitled to our regard, although differing, materially, with us in civil polity, and perhaps in political feeling. Ohio was a part of the domain of Virginia, and by a magnanimous cession to the General Government by the latter, was enabled to claim and receive the character and standing of an independent State. The question then arises, would it be prudent, or wise, by any act of ours, in the least degree, to disturb the harmony which has so long existed between these powerful States. In the opinion of the committee, it would neither be wise nor prudent. It may be said that the repeal of all laws imposing restrictions or disabilities on negroes and mulattoes, will not tend to interrupt the existing harmony of these States. *Possibly*, this may be the case, but it is thought that every legislative enactment on our part, which affords to slaves a temptation or inducement to abscond from the service of their masters, and claim protection or attempt a permanent settlement here, *may* lead to a disruption of that fraternity of feeling which it is our interest and duty to cherish. In saying this much, as to the relation we bear to our sister States, it is not yielded that either, or any, have a right to interfere by word, or deed, with any action of the Legislature of Ohio, on this subject, which comes within the pale of their constitutional powers; nor is it supposed that our sister States would claim or assert such a right.

The framers of the Constitution foresaw that difficulties might arise by placing the whites and blacks upon an equality; and while they declared that involuntary servitude should not exist in this State, with certain exceptions they withheld from the negro the right of suffrage, and made him incapable, thereby, of holding any office of trust or profit. The object of this disfranchisement was, it is presumed, to prevent the migration hither of that unfortunate race; not from any callous or careless feeling for their unhappy condition, but for the purpose of self preservation, from evils which might arise by the introduction of a class of population degraded and debased in other States, and which, from the antipathies of nature, and the prejudices of education, operating against them, would necessarily remain so here. The same considerations no doubt prompted the Legislature to carry out as far as practicable the views entertained by the Convention of eighteen hundred and two.

Experience has shown that these were not mistaken views. The records of crime in the free States, shew a frightful disproportion in the numbers of white and black offenders, and most especially in those States where there are no disabilities or restrictions by law imposed upon the blacks.

In Massachusetts the blacks labor under no disability or disqualification whatever, under the Constitution. They are only one seventy-fourth part of the population, yet they are in the proportion of one sixth of the convicts in the State prison.

In Connecticut the black population is one thirty-fourth part of the whole. The blacks are one-third of the number in the Penitentiary. The Constitution of this State in regard to the qualifications of electors, is like that of Ohio, in excluding negroes from the right of suffrage. The Committee, however, believe that the enactments of the Legislature have not placed upon them any additional disability.

New-York, by her Constitution, has placed the whites and blacks upon an exact equality. The colored population is one thirty-fifth of the whole. One-fourth part of the convicts in her two Penitentiaries are negroes.

The one-thirteenth part of the population of New-Jersey is colored, and one-third of the convicts in the Penitentiary are blacks and mulattoes.

In Pennsylvania one-third of the convicts in the two Penitentiaries are colored, while the blacks are only one thirty-fifth of the population.

In Ohio, the black population, as compared with the white, is as one to one hundred and fifteen. In the Penitentiary the number of black convicts, as compared with the whites, is in the proportion of seven to one hundred.

But the State Prison of Vermont illustrates, in its most glaring colors, the impolicy of giving to the black population the privileges and immunities of the whites. In that State the negroes are under no restriction that the whites are not. By the census of 1830, Vermont contained about 277,000 souls; of these, 918 were negroes. In 1831, there were 74 convicts in the prison, and of these *twenty-four* were negroes!

The foregoing statistics have been gleaned from authentic sources, and principally from the annual reports of the American Prison Discipline Society. When compared with what is reported of the prisons of the slave holding States, it is shown that the proportion of negroes in the Penitentiaries of the free States is in the ratio of more than ten to one, in favor of the slave holding States.

To account for this disproportion the main argument is, that by the spirit of our institutions, the mind, the capacity of the negro, is not developed, that no encouragement is given him to abstain from vice, or to prompt him to industry. Without stopping to combat this proposition in detail, the committee deem it sufficient to say, that the history of the race has shown the causes to lie deeper. Nature has forbidden a general amalgamation of the two races; and misfortune, which cannot be at once remedied, has made the black dependent upon, and subservient to the white man.

The free negroes in Ohio, in the aggregate are in no better condition, therefore, than the slaves in Kentucky. They are excluded from social intercourse with the whites, and whatever

of education you may give them, will not tend to elevate their standing, to any considerable extent. In those free States where every right has been extended to the negro which the white man claims, it is proved by what is contained in the above statements, that his condition is still worse than in the States where he is under restriction. This may appear singular, indeed, almost unaccountable, but it is nevertheless true.

There are considerations of a still graver character than any presented, which influence the committee, to ask the passage of the resolution appended, such as address the good sense of every man; challenging deep interest and solicitude, and requiring the calm but firm action of every one who has the weal of his country near his heart. The germ of a faction has sprung into life in the United States, which now but feeble in numerical force, and not extraordinarily distinguished for character or talent, may, if its growth be not checked by the friends of peace and good order, through the medium of individual exertion, or legislative enactment, impair the stability of our Federative Union. It is well known that societies have been formed in different parts of the United States, for the avowed purpose of effecting the immediate emancipation of all the slaves. Any one who will reflect upon this, for a moment, must come to the conclusion, that their efforts contemplate revolution, and necessarily strike at the existence of the Republic. No respect is paid by them to the compact entered into by the States, when the general government was formed. The perseverance which has marked the steps of these visionaries, the increasing establishment of newspapers and periodicals to promulgate their incendiary doctrines; the donations and bequests which these societies have received from men of fortune, to aid them; and beyond all this, the inculcation of their dangerous principles in the minds of youth in our schools and colleges, give loud warning "that the wolf is upon his walk." Jealousies, heart-burnings, and fears have been excited among our brethren of the South, by the countenance given to these societies by men of respectable standing, and by the efforts

made through their agents and emissaries, to inflame the slaves against their masters, and thereby produce revolt and insurrection. Well may Virginia and the Carolinas be indignant at the fanaticism, or the darker motive which prompts this mad interference in their internal concerns. The horrible massacre of Southampton is still fresh in recollection, and the scenes which followed, when the innocent black was sacrificed to appease the manes of the murdered!

Great Britain has been traversed by these enthusiasts to gather funds to accelerate the objects desired to be accomplished. These always met with encouragement, if the statement by the English prints are to be relied on, from those who would exult in the dismemberment and destruction of our confederacy; or those who were most active in bringing about the manumission of the slaves in the British West Indian Isles. Speculations have been indulged in, by men eminent for wisdom, with what color facts have given them for such speculations, the committee are unadvised, whether the measure spoken of is not an insidious blow at the commerce, the prosperity and the internal peace of the United States, in aid of the efforts of our own disorganizers. This, however, the committee will not descant upon, though greatly tempted to do so.

From a principle of self defence, then, from what experience has taught us of the incapacity of the free blacks to elevate themselves above their present miserable condition, from the enormous amount of crime perpetrated by them, as compared with the crimes committed by the whites or the slaves; and reflecting that there is an insurmountable barrier to their becoming useful or orderly citizens, which does not rise from *casualty, but from fate;* your committee recommend the adoption of the following resolution:

Resolved, That it is inexpedient, at this time, to take any legislative action on the subject matter of the memorials, and that the committee be discharged from the further consideration of the same.

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